

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

January 4, 2007

No. 04-9003

JACK FOSTER OUTTEN, Appellant

v.

RICK KEARNEY, et al.
(D. Del. No. 98-cv-00785)

Present: RENDELL, AMBRO and FUENTES, Circuit Judges

Unopposed Motion by Appellant to Enlarge Time for New Penalty Hearing which the Court may wish to construe as Motion to Recall Mandate and to Amend Opinion to Allow Penalty Hearing to Commence on or before October 23, 2007.

/s/ Nicole M. Bruno

Case Manager 267-299-4924

Opinion and judgment issued September 28, 2006.

Mandate issued on October 20, 2006.

ORDER

The foregoing motion is granted. The Clerk is directed to recall the Mandate, issue an amended Judgment specifying that a resentencing hearing shall occur on or before November 1, 2007, and that an amended Mandate be issued in connection therewith.

By the Court:

/s/ Thomas L. Ambro, Circuit Judge

Dated: January 24, 2007

nmb/cc: John P. Deckers, Esq.
Ricardo Palacion, Esq.

Thomas E. Brown, Esq.